

**PLANNING & ZONING COMMISSION MINUTES  
MAY 9, 2016**

STATE OF TEXAS	§
COUNTIES OF ARANSAS	§
SAN PATRICIO AND NUECES	§
CITY OF ARANSAS PASS	§

On this the 9th day of May, 2016 the Planning and Zoning Commission convened in a Regular Called Meeting being open to the Public at the special meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum:

<b><u>PRESENT:</u></b>	RANDALL FREEZE	CHAIRPERSON
	RICHARD (Sandy) KUBEK	VICE CHAIRPERSON
	LISA BARKER	COMMISSIONER
	ELIZABETH DORRIS	COMMISSIONER
	PAT FENTON	COMMISSIONER
	CAROL SALINAS	COMMISSIONER
<b><u>ABSENT:</u></b>	SHIRLEY GALLAGHER	COMMISSIONER
	KATHLEEN SWEATT	COMMISSIONER
<b><u>STAFF PRESENT:</u></b>	Sylvia Carrillo, C.P.M.	City Manager
	Miguel S. Saldaña, AICP	Development Services Director

**OTHERS PRESENT:**

**I. CALL TO ORDER**

Chairperson Freeze opened the meeting at 5:16 p.m. and stated there was a quorum with Commissioners Gallagher and Sweatt absent.

**II. APPROVAL OF MINUTES**

**A. Regular Called Meeting of April 11, 2016**

Commissioner Salinas made a motion to approve the minutes as written for the April 11, 2016 regular called meeting. Commissioner Fenton seconded the motion and the motion carried with Commissioners Gallagher and Sweatt absent.



### **III. PUBLIC HEARING AGENDA ITEMS – Discussion and Possible Action**

#### **A. PLATS**

##### **a. 1605001-NP01 (Non-Public Notice Plat)**

ARANSAS PASS TOWNSITE, BLOCK 507, LOT 21-R (FINAL – 0.562 ACRE)

Located north of E. McClung Avenue and west of S. Commercial Street.

##### **b. 1605002-P01 (Public Notice Plat)**

ARANSAS PASS TOWNSITE, BLOCK 748, LOT 9-R (FINAL – 0.321 ACRE)

Located north of W. Greenwood Avenue and west of S. 12<sup>th</sup> Street.

Chairman Freeze opened the public hearing at 5:18 p.m. and asked if anyone wished to speak on the aforementioned plats.

Glen Dubois, 562 S. 12<sup>th</sup> Street, property owner of proposed Lot 9-R. Mr. Dubois stated that they wished to construct a carport for their vehicles. Before a permit could be issued, the property had to be replatted. Mr. Dubois was only platting 2 of the 4 lots that he and his wife own. The other 2 lots are to remain vacant at this time.

Commissioner Barker asked as to why one plat was a public notice and the other was a non-public notice. Mr. Saldaña stated that according to State law, a property that is zoned or restricted to single-family development currently and within the past 5 years, notice to the property owners within 200 feet and within the same subdivision is required. Properties that are zoned commercial or multifamily do not require public notices.

The public hearing was closed at 5:24 p.m. Commissioner Barker made a motion to approve items III-A-a & b. Vice Chairperson Kubek seconded the motion, and the motion carried unanimously with Commissioners Gallagher and Sweatt absent.

#### **B. ZONING**

##### **a. Case No. 1604-01 – Tammy Solis:** Application for a Conditional Use Permit for a bar, lounge or tavern in the “GB” General Business District for the property located at 1152 S. Commercial.

The property is described as Lots 32 through 35, Block 7, Fricks First Addition, 0.562 acre, 1152 S. Commercial, Aransas Pass, Texas.

This case was tabled from the April 11, 2016 meeting. Vice Chairperson Kubek made a motion to untable Item B. a. Commissioner Salinas seconded the motion and the motion carried unanimously with Commissioners Gallagher and Sweatt absent.

Chairperson Freeze opened the public hearing 5:25 p.m. and asked if anyone wished to speak on the aforementioned zoning case.





Tammy Solis, applicant, stated that she is requesting the Conditional Use Permit in order to open a sports bar. Ms. Solis indicated that she understood all of the requirements and would be complying with them. In response to Vice Chairperson Kubek, Ms. Solis stated that she is the one operating the bar and that Mr. Rowe was the owner of the property. Discussion was held regarding the existing structures and the length the bar has been closed. Chairman Freeze asked if Ms. Solis was aware of the conditions to which she responded in the affirmative.

Discussion was held regarding the conditions and whether the required fence would muffle the noise. Also questioned about the hours of operation which were to be between 9:00 a.m. and 2:00 a.m.

Chairman Freeze closed the public hearing at 5:31 p.m. Commissioner Barker motioned to approve the Conditional Use Permit for a bar, lounge, or tavern subject to a time limit of 12 months and compliance with the conditions set forth by staff. Motion seconded by Commissioner Kubek. The motion carried unanimously with Commissioners Gallagher and Sweatt absent.

- b. Case No. 1605-01 – City of Aransas Pass:** Application for an amendment to the Official Zoning Map from “AG” Agricultural District to “R-7B” Single-Family Dwelling District on Tract 1; “GB” General Business District on Tract 2 and “LI” Light Industrial District on Tract 3.

The property is described as **Tract 1**, which consists of Sherwood Forest Subdivision, Country Acres Subdivision, Marshall & Marshall Farm Tracts, Lot 1 through 11, Ken-Mar Subdivision, Marshall & Marshall Farm Tracts Unit 2, Lot 9, T. P. McCampbell Subdivision, Land Block 4, Lots 2 through 6 and northwest corner of Lot 1; **Tract 2**, which consists of Marshall & Marshall Farm Tracts, Lots 12A through 12E, T. P. McCampbell Subdivision, Land Block 2, remaining portions of Lots 1 through 6, and Land Block 4, east portion of Lot 1; **Tract 3**, which consists of Marshall & Marshall Farm Tracts Unit 2, Lots 1 through 8.

Chairman Freeze opened the public hearing at 5:35 p.m. and asked if anyone wished to speak on the aforementioned zoning case.

Director Saldaña described that application and the rationale of the zoning of the different tracts. Commissioner Salinas clarified that the recommended “R-7B” District would have to comply with current regulations and if the proposed amendment to the Conditional Use Permit for manufactured homes in the “R-7B” District did not pass, property owners would have to comply with the current regulations, to which Mr. Saldaña responded to the affirmative. Commissioner Barker stated her understanding as to the “LI” District and questioned as to whether it would be the best district. Mr. Saldaña responded that typically this is not desired due to its location along a major thoroughfare and the entrance to the City. However, the uses are existing and to protect them should something happen staff recommends the “LI” District.



Discussion proceeded regarding whether the "R-7B" District with a Conditional Use Permit for manufactured homes would make sense. Commissioner Barker indicated her willingness to look at a manufactured home district in lieu of the "R-7B" District with a Conditional Use Permit.

Mr. Paul Harrison spoke in regards to his welding shop and is requesting a "HC" Heavy Commercial District. The proposed "LI" District does not allow work to be done outside. Commission discussed whether Mr. Harrison was requesting "HC" District or "HI" Heavy Industrial District. Discussion proceeded to include differences between heavy and light industrial districts.

Mr. Daniel Jimenez spoke in regards to the heavy commercial stating that when the city was rezoned back when, the heavy industrial district was removed from the city maps. Discussion was held regarding heavy industrial uses and heavy commercial uses.

Mr. Jimenez spoke in regards to the properties proposed for an "R-7B" District. Mr. Jimenez recommends that the commission refer back to the original "R-7B" District intent to allow the existing properties to continue being used with manufactured homes. City Manager Sylvia Carrillo stated that the commission may consider the manufactured home designation and that RVs are not designed for long term residential.

Discussion was held in regards to the long term goal for the residential area. Ms. Carrillo stated that the area may eventually transition to commercial area especially the area along the major thoroughfare frontage. Further discussion on the manufactured homes allowed by right or by conditional use permit. Allowing the manufactured home in "R-7B" District would open it up to the other parts of the city. Discussed differences between manufactured home district and park.

Chairperson Freeze closed the public hearing.

Motion by Commissioner Barker to table the zoning case until the next Planning & Zoning Commission meeting. Motion seconded by Vice Chairperson Kubek. Motion passed unanimously with Commissioners Gallagher and Sweatt absent.

#### C. TEXT AMENDMENT

- a. Amending the City of Aransas Pass Zoning Ordinance, Part II, Section 10, Subsection 200 – Schedule of Uses, by removing Manufactured Home as a conditional use in the "R-7B" zoning district

Commission decided to leave the above referenced item on the table until the next meeting.

- b. Amending the City of Aransas Pass Zoning Ordinance, Part II, Section 10, Subsection 400 – Conditional Use Permit, by adding subsection 430 as criteria to review Manufactured Home as a conditional use in the "R-7B" zoning district.





- c. Amending the City of Aransas Pass Zoning Ordinance by modifying Section 15, Non-Conforming Uses.

Motion by Vice Chairperson to table items b & c until the next Planning & Zoning Commission meeting. Motion was seconded by Commissioner Fenton. Motion passed unanimously with Commissioners Gallagher and Sweatt absent.

#### **IV. DISCUSSION**

- A. Discussion addressing short-term rentals. Mr. Saldaña discussed short-term rentals by indicating that the surrounding cities do not have any regulations regarding short-term rentals. The City of Port Aransas does have an ordinance to regulate existing rentals in residential area but does not allow any new rentals. City of San Antonio had not information regarding short term rental. City of Austin has a comprehensive ordinance regulating short term rentals which would require the rental to obtain an annual permit, required a minimum separation distance and required building and fire inspections. Mr. Saldaña further stated that the enforcement of these short term rentals is difficult and staff time intensive. Most of these rentals are complaint driven which would also take additional staff time to address. City Manager Sylvia Carrillo indicated that these short term rentals are inherently difficult to police. Commissioners discussed the different options and challenges for the rentals. Issues discussed related to insurance rates, taxes, multiple vehicles. Commissioner Barker indicated allowing these uses within a certain distance of Conn Brown Harbor, downtown or within general business district. City Manager Carrillo indicated that staff would look into some type of ordinance that would address such items as to location and registration.

#### **V. DIRECTOR'S REPORT**

Director Saldaña informed the commission of Amanda Torres' departure to Rockport. City Manager Carrillo spoke about future annexation. Ms. Carrillo spoke about the Highland/Johnson project and the next phase of Rhodes/Beasley project to begin is in the design development. Ms. Carrillo also spoke about the Capital Improvement Program that will be sent to the commission in the next several months.

#### **VI. ITEMS TO BE SCHEDULED ON NEXT AGENDA**

None.



**VII. ADJOURNMENT OF MEETING**

Commission Fenton made a motion to adjourn. Commissioner Salinas seconded the motion. Motion passed unanimously with Commissioners Gallagher and Sweatt absent.

The meeting was adjourned at 6:45 p.m.

  
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Randall Freeze, Chairperson

ATTEST:

  
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Miguel S. Saldaña, A.I.C.P  
Planning & Zoning Commission Secretary

